

**Testimony of
Laura Loomis, Director of Visitor Experience
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On
H.R. 4622, the "Gateway Communities Cooperation Act of 2002"
Before the
Subcommittee on National Parks, Recreation, and Public Lands
Committee on Resources
U.S. House of Representatives
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Mr. Chairman and members of the subcommittee, I am Laura Loomis, Director of Visitor Experience for the National Parks Conservation Association. Thank you for inviting NPCA to testify at today's hearing to discuss H.R. 4622, the *Gateway Communities Cooperation Act of 2002*. NPCA is America's only private, nonprofit advocacy organization dedicated solely to protecting, preserving, and enhancing the National Park System. Our association was founded in 1919 and today has approximately 400,000 members who care deeply about the well being of our national parks. We appreciate the opportunity to be here today.

As the title of the H.R. 4622 indicates, it is intended to promote increased cooperation between our national parks and the communities at their doorstep, often called gateway communities. NPCA agrees that cooperation and coordination between parks and gateway communities can be quite beneficial in certain circumstances. In fact, more and more national park managers and gateway communities are realizing that they frequently have common interests that can be furthered by working together. However, although we respect the chairman's interest in enhancing the relationship between gateway communities and national parks, we believe H.R. 4622 requires significant revision before it provides appropriate mutual incentives and resources that facilitate genuine cooperative efforts between national parks and gateway communities.

We believe that an evaluation of this issue must begin with a discussion about the purpose of our national parks and their place in society. Therefore, I will begin by focusing my remarks on the national interest in our parks. I will then discuss some of the issues that confront gateway communities and the

parks, and discuss NPCA's position on H.R. 4622.

The National Interest

President Theodore Roosevelt called the preservation of our parks and wild lands "essentially a democratic movement." As such, Americans in every community across our land have a claim to how our parks are protected, whether they live near them or never set foot in one. When we create a national park, we preserve a piece of our natural or cultural heritage because it is in the national interest to do so, and because future generations have as much a right to experience them unimpaired in their time as we and do today.

As Freeman Tilden, the father of interpretation in our national parks, so eloquently stated half a century ago, "the national parks are not in the least degree the special property of those who happen to live near them. They are national domain. Yellowstone and Yosemite belong as much to the citizens of Maine as to those of Wyoming and California; Isle Royale to the New Mexican as much as to the people of Michigan. The people of the states in which national parks happen to exist are rightly proud of them, and should normally be the first to rise against any spoliation of them; but the pre-emption and settlement of land that happens to border on the present parks, or any that may be created later, imply no title to any rights in the preserved area beyond what belong to any American."

Given the essential democracy of our parks, the first duty of the National Park Service is to manage those parks in the national interest. Although gateway communities are expected to contribute to the determination of what is in the national interest, that determination is a task for all the American people. Nevertheless, it is also beneficial for the parks and their gateway communities to be good neighbors and to develop mutually respectful relationships. And it is understandable that those who reside in local communities around the parks believe they have a unique interest in how the parks are managed.

Gateway Communities

The proximity of gateway communities to national parks has obvious implications. For example, the desire of so many Americans to escape to gateway communities that offer the clean environment, safe

neighborhoods, small-town atmosphere and recreational opportunities they lack in cities and suburbs brings change to those communities—some wanted, some unwanted. A survey conducted in the mid-1990s by The Conservation Fund and The Sonoran Institute found that: (1) rapid growth frequently overwhelms gateway communities and fails to meet local needs and desires; (2) the vast majority of residents in gateway communities want a healthy economy that does not jeopardize the community's character or natural surroundings; and (3) many residents in gateway communities lack information about the land-use and economic development options available to them.

Just as importantly, the survey also found that many gateway communities have developed successful initiatives to confront these issues and protect their natural, historic and cultural character. This is important not only for the gateway communities, themselves, but also for their national park neighbors. Development decisions and other actions taken or forgone by gateway communities can have an enormous impact on adjacent national parks and on the experience of those who visit them.

Unfortunately, the feeling in some quarters appears to be that national parks somehow create crushing burdens on gateway communities. While the desirability of these areas can create challenges for these communities, sometimes significant ones, one should not discuss impacts without focusing on the enormous benefits of living at the doorstep to a national park. Those who live by our national parks have unparalleled opportunities to experience a piece of our nation's natural or cultural heritage on a daily basis. In addition to the recreational and lifestyle benefits that attract so many Americans to gateway communities, national parks also produce significant economic returns for those communities. National park units do not achieve their status by virtue of the economic development opportunities they present, but the positive fiscal impact of national parks on gateway communities is undeniable. National Parks serve as economic anchors in many communities, providing jobs within the park and fostering economic opportunity outside park boundaries. The park economy often replaces declining sectors of existing rural economies, and can soften what could otherwise be a significant economic blow to declining economic opportunity in some rural communities.

Parks are economic engines that also create what some have called "corridors of influence" in

adjacent communities and towns leading to them. In these corridors, economic opportunities arise for restaurants, hotels, gas stations, souvenir shops, and other service-oriented businesses that cater to park visitors and bring valuable sources of capital into local communities. At the same time, the development that occurs adjacent to national parks is not always in the best interest of the parks themselves, or of the purpose for which Congress created them for the enjoyment of present and future generations of Americans.

NPCA recognizes the unique role that gateway communities play by virtue of their proximity to national parks, and we agree that gateway communities can and should have a voice in park policies that affect them. They do today. We also agree that the National Park Service has not always done the best job of communicating with gateway communities when their interest was involved. On the other hand, gateway communities do not have a perfect record of cooperation and communication with their national park neighbors. We believe there are enormous potential benefits of parks and gateway communities working together to solve common problems, as is borne out by the growing list of examples where national parks and their local neighbors have developed impressive, coordinated solutions to challenges that affect them both. And we are pleased to see attention being given to the unique relationship that exists between national parks and gateway communities. But a legal requirement that places the parochial desires of gateway communities above the interest of all the American people is not the answer.

Case Studies

Many examples already exist of exemplary cooperation between parks and local communities. One excellent example involves Rocky Mountain National Park and the town of Estes Park, Colorado. During the last three years, representatives from the park and the local community have worked closely to develop transportation solutions that benefit the town and park, alike. The park superintendent serves on the town's policy and oversight committee, and the park's chief ranger serves on the technical committee developing the nuts and bolts of the plan. The town and county are in the final stages of their transportation study, and the park is helping the town devise a solution that reduces congestion and leads to a common shuttle or transportation system between the park and the town. Last year they worked together to implement improved shuttle service in the park, and the town and county both wrote letters of support to the regional

director of the Park Service that helped move the project forward

Another example is Zion National Park. In 2001, NPCA awarded the Mayor of Springdale, the town council and its citizens our National Park Achievement Award for their outstanding work with Zion National Park officials to create a seamless public transportation system from Springdale into Zion Canyon, the most heavily traveled portion of the park. A transportation solution was needed because visitation to Zion has increased from 1 million people in 1972 to 2.5 million visitors today, subjecting many visitors to the park to city-like traffic jams. Less patient drivers who couldn't get into one of the park's 400 spots often parked illegally along the roadside, quickly destroying fragile canyon habitat. Heavy exhaust fumes often hung in the canyon air. Today, with the help of Zion's gateway community, gone is the congestion, car exhaust, car noise and the string of cars parked along the road. The visitor experience, natural resources, and businesses of Springdale have all benefited.

Another recent example involved the ban of personal watercraft at Cape Cod National Seashore. After significant public input, the National Park Service banned jet skis from federal waters, but waited to implement the ban until the towns could develop their own jet ski policies for contiguous waters. In this case, the towns had extensive opportunity to comment on the Park Service's proposal, along with other members of the public, and the Park Service then made its judgment based on those comments and the information available to it. Then, the Park Service provided ample opportunity for the towns to develop their own policies.

None of these examples required the local communities to have cooperating status under NEPA. In each case, communication and pursuit of a respectful relationship by the Park Service and the local communities created benefits for the park, the local community, and park visitors.

There are many other such examples, including successful ventures between Bar Harbor, Maine and Acadia National Park, between Fort Scott, Kansas and Fort Scott National Historic Site, between Gettysburg National Military Park and the borough of Gettysburg, Pennsylvania, and between Saguaro National Park and Tucson, Arizona. All of these endeavors were undertaken using current law, without any mandates, and were successful because the parties wished them to be.

On the other hand, gateway communities do not always choose to fully participate in opportunities presented to them by national park representatives. For example, when Voyageurs National Park developed its management plan in recent years, the park attempted to engage the local government and the community in the process by forming what they called a "consultation group." But when local government representatives realized the process would not be based on consensus and that they could not dominate the discussions, they dropped out of the process. Even when the park offered to pay for a person to work on the General Management Plan on Koochiching county's behalf, the park's offer was rejected.

In addition, actions by local communities are not always in the best interests of their national park neighbors, and therefore not always in the national interest. In an unfortunate case on Fire Island National Seashore, for example, local communities have failed to implement New York state law to prevent coastal erosion by limiting construction in the dunes. Such construction destroys the dune system and accelerates erosion, and could ultimately prompt property owners to ask the Federal government to keep their houses from falling into the ocean by implementing a costly and environmentally questionable re-sanding program. In this case, the National Park Service's objections to the building permits have been ignored.

And for many years, Gatlinburg, Tennessee refused to require the use of bear-proof containers, despite the problems posed for Great Smoky Mountains National Park and the bears by the town's refusal.

H.R. 4622

Although we agree that communication between parks and gateway communities is important and worthwhile, and that cooperative endeavors can produce excellent results, we believe that H.R. 4622 as introduced would be counterproductive at best and harmful at worst. We are more than willing to work with you to develop alternatives that facilitate productive relationships between national parks and gateway communities. However, we cannot support H.R. 4622 until significant changes have been made.

First, the bill provides preference to gateway communities over the rest of the public by exempting them from current National Environmental Policy Act requirements that dictate when cooperating status is justified. NEPA authorizes cooperating status where a potential cooperating agency has jurisdiction by law over the specific issue being considered or has special expertise. Therefore, we emphatically reject the

provision in the bill as unnecessary and unwise. It provides gateway communities, as a matter of right, with much greater weight in national park management and decision making than the rest of the American public, regardless of the issue or the expertise the community possesses. To paraphrase Freeman Tilden, the cooperating agency provision implies title to rights for gateway communities that elevates the interests of those communities in national parks above the national interest.

In fact, by virtue of their proximity to parks, gateway communities are already in a unique position to participate in public comment processes with regard to park management. This, coupled with the many examples where gateway communities and national parks are already engaged in highly productive joint efforts, makes us question the justification behind the cooperating agency provision. Furthermore, the bill attempts to "mandate" cooperation in a one-sided fashion, when we know that genuine cooperation is a function of partnerships and relationships that build trust over time. A mandate to cooperate is not likely to foster the kind of cooperative spirit that is already developing between so many parks and their neighboring communities, and could be counter productive.

Second, at a time when the national park system is underfunded by 32 percent and the national park maintenance backlog exceeds \$5 billion, the bill calls for parks to further deplete their scarce resources by providing financial grants and technical assistance to gateway communities. But in many cases, parks simply lack key personnel, and many parks likely lack the planners the bill envisions should assist communities. We agree with the chairman that technical assistance can be useful and beneficial for the communities and the parks, but the potential benefits have much to do with how the assistance is structured and who is available to provide it. In addition, we do not believe that 385 national park superintendents should be required to administer the kind of new grant program the bill contemplates, especially at the expense of their already scarce resources. Furthermore, the bill creates a host of new paperwork requirements for the National Park Service, which would undoubtedly siphon precious resources away from the parks' core missions. Finally, we urge the subcommittee to consider incentives that are better directed at discouraging gateway communities from taking actions that can adversely impact park resources and visitor enjoyment. The bill is quite one-sided in this regard.

Third, the bill appears to require that Federal land agencies produce regulatory impact statements for an enormous range of activities that could impact local communities, including any "plans, decisions, or policies" that could have a significant impact on them. This has the potential to create an enormous burden for the National Park Service and other Federal land management agencies, to delay actions necessary to protect park resources, and to lead to litigation or other legal maneuvering against parks over whether parks should have produced such statements and over whether participation was "meaningful". Such a requirement is wholly inappropriate in the national park context, and would provide gateway communities with primacy over the national interest. Rather than foster cooperation, we fear that this provision could generate conflict that gives gateway communities far more leverage than is justified over the national interest.

Finally, we believe the application of H.R. 4622 is overly broad. It takes a one-size-fits-all approach to the missions of Federal land management agencies and does not appear to acknowledge the vast differences among many national park units.

Taken together, the provisions in the bill could easily be used by some forces within gateway communities to stymie the National Park Service's park management needs and requirements. We believe that enacting them would be an enormous mistake and could unwittingly jeopardize the precious treasures in our national parks.

We suggest a different approach. First, we recommend an analysis of existing authorities for the Park Service to provide financial and technical assistance to gateway communities. Clearly, technical assistance for gateway communities in how to effectively engage in land use planning can be beneficial, and if impediments exist, they should probably be rectified. Any gaps identified in the review could be addressed in legislation.

Next, we would rework the grant program in the bill to authorize the Secretary of the Interior to make grants to local governments to develop plans that aid in park resource protection and facilitate community involvement in the kinds of cooperative endeavors that have been undertaken at many national parks. Clearly, such grants could be beneficial to gateway communities. They should not, however, be subtracted from Park Service operating funds.

Then, rather than focus so much effort legislating a preferred position for gateway communities in national park decisions or dictating how park superintendents assign their scarce personnel, we respectfully suggest that the subcommittee should work aggressively to encourage the Committee on Appropriations to provide parks with the funds they need. Some parks already provide technical assistance to their gateway community neighbors, but they frequently do so in the face of very scarce resources. The better funded the parks are, the more able they will be to provide technical assistance and have park personnel work directly with communities on time consuming planning matters.

Finally, we would encourage the subcommittee to require agencies that undertake or propose actions that could have a significant adverse effect on cultural or natural resources in national parks to work with the parks to mitigate any such impacts before such actions are allowed to proceed. Ideally, such a provision would also require the agency in question to refrain from taking an action in an area adjacent to a national park unit if the action was likely to have an adverse impact on park values. Such initiatives would help address significant threats to our national parks, where problems like sprawl place park ecosystems under increasing stress.

Conclusion

In summary, we respect the chairman's desire to enhance the relationship between the National Park Service and local communities where relationships could be improved. However, as the bill is drafted, we believe its effect goes well beyond that goal and, in some cases, could work against it. As introduced, H.R. 4622 places the desires of local gateway communities above the national interest. The number of successes where parks and local communities work together to devise creative solutions to common challenges continues to grow without the kind of mandate the bill includes, and we believe that rather than facilitate cooperation, the bill would create roadblocks that inhibit the National Park Service from doing its job. Finally, any legislation related to gateway communities must also address the need to focus much more on protecting parks against actions undertaken adjacent to park boundaries that have an adverse impact on visitor experience, park ecology, or a park's cultural or historic values.

Thank you for the opportunity to testify. I am happy to answer any questions you may have.